

Docket No.: NHL-HOL-68
Serial No.: 10/801,924
Customer No.: 00432

REMARKS

The Office Action dated May 26, 2005, has been reviewed in detail and the application has been amended in the sincere effort to place the same in condition for allowance. Reconsideration of the application and allowance in its amended form are requested based on the following remarks.

Applicants retain the right to pursue broader claims under 35 U.S.C. §120.

Applicants have provided a unique solution with respect to problems regarding BEVERAGE BOTTLING PLANT FOR FILLING BOTTLES WITH A LIQUID BEVERAGE FILLING MATERIAL, AND A CLEANING DEVICE FOR CLEANING BOTTLES IN A BEVERAGE BOTTLING PLANT. Applicants' solution is now claimed in a manner that satisfies the requirements of 35 U.S.C. §103.

Telephonic Interview:

The undersigned would like to sincerely thank the Examiner for the courtesies extended during a telephonic interview between the Examiner and the undersigned on August 15, 2005. During the

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telephonic interview, independent Claim 1 was primarily discussed. At that time, distinctions of the present invention as claimed were pointed out by the undersigned and proposals were subsequently made by the undersigned for changes that could be made to independent Claim 1 so as to more fully distinguish the present invention as claimed over the applied prior art. Specifically, the undersigned pointed out that Claim 1, as originally filed, recited "apparatus being configured and disposed to heat said chamber to a temperature sufficient to vaporize cleaning medium droplets on the wall of said chamber." This feature is in contrast to the sterilizing apparatus of U.S. Patent 5,178,841 to Vokins et al., which was applied against Claim 1, as Vokins teaches blowing air 4 through a heating coil 5, which heated air 4 vaporizes the H₂O₂ 1. The undersigned therefore argued that Vokins shows a device to directly heat only air, and does not show an apparatus to heat the walls of the chamber as claimed in Claim 1, which heated walls vaporize the cleaning medium droplets that land on the walls. The undersigned further explained that a chamber with heated walls was an advantage over the system of Vokins, since the solid wall material is a much

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better conductor of heat into the cleaning medium than air. The cleaning machine of Claim 1 would therefore require less energy than the sterilizing apparatus of Vokins, thereby resulting in more efficient and cost-effective operation, especially on a large or industrial scale.

The Examiner generally agreed that Vokins did not show heating of the walls of the chamber, but stated that Claim 1 did not clearly recite such a limitation, and therefore an agreement could not be reached. Specifically, the Examiner pointed out that Claim 1 recites "apparatus being configured and disposed to heat said chamber" (emphasis added), with no specific mentioning of the chamber walls being heated, and therefore was no different than Vokins since the heated air of Vokins results in a heated interior of the chamber. The undersigned therefore proposed to amend Claim 1 to include specific language relating to heating the chamber walls, which proposal the Examiner indicated would receive favorable consideration in view of Vokins.

Accordingly, Claim 1 has been canceled herein and new Claim 21 has been presented, which claim recites "a heating arrangement being configured and disposed to heat said chamber walls to a

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temperature sufficient to vaporize cleaning medium droplets deposited on said chamber walls." Although an official agreement was not reached between the Examiner and the undersigned, it is believed that this limitation clearly distinguishes over Vokins, which in contrast teaches heating only air. It is therefore submitted that independent Claim 21, as well as new Claims 22-40 depending therefrom, are allowable over the applied prior art.

The telephonic interview is further summarized below in the section entitled "Recordation of the Substance of the Telephonic Interview."

Rejection of Claims 1-3 Under 35 U.S.C. §103:

Claims 1-3 were rejected under 35 U.S.C. §103 as being unpatentable over Clüsserath et al. (5,713,403) in view of Vokins et al. (5,178,841). Generally, the Examiner stated that Clüsserath showed all of the features of Claim 1 except the specific features of the cleaning apparatus. The Examiner stated that Vokins showed all the features of the cleaning apparatus.

Claims 1-20 have been canceled herein, and new Claims 21-40

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have been presented, which new claims will be discussed herein below with respect to the present rejection.

Clüsserath, as understood, discloses a beverage bottling system for filling, closing, and labeling bottles. Clüsserath also discloses a cleaning station, but does not go into detail as to the exact structure of the cleaning station.

Vokins discloses a sterilizing apparatus that utilizes vaporized H₂O₂ to sterilize containers, such as beakers, for aseptic food packaging. As discussed above, Vokins teaches flowing air 4 through a coiled heating device 5, which heated air 4 then contacts a fine, conical spray 2 of H₂O₂ droplets. The H₂O₂ droplets are vaporized by the heated air 4 and conducted by the air 4 through outlets 10 and into containers 18 to sterilize the containers 18. Vokins does not teach or suggest a jet of H₂O₂ or a jet of air. Vokins also does not teach or suggest heating the walls of the sintered tube 6 to vaporize the H₂O₂ droplets upon contact with the walls.

In contrast to Vokins, Claim 21 recites, in part:

"a heating arrangement being configured and disposed to heat said chamber walls to a temperature sufficient to vaporize cleaning medium droplets deposited on said chamber walls; said inlet structure comprising a first nozzle being

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configured and disposed in a first position to inject a jet of air in a first direction into said chamber;

 said inlet structure comprising a second nozzle being configured and disposed in a second position to inject a jet of cleaning medium in a second direction into said chamber transverse to the first direction to impinge upon the jet of air to generate air laden with droplets of cleaning medium;

 said first nozzle and said second nozzle being configured and disposed to direct the air laden with cleaning medium droplets against said heated chamber walls to vaporize the cleaning medium droplets to form a mixture of air and vaporized cleaning medium;"

It is respectfully submitted that Vokins does not teach or suggest the above limitations. Vokins shows a flow of air and a fine spray of H₂O₂, not a jet of air or a jet of cleaning medium. Vokins, as discussed above with respect to the telephonic interview, also only discloses heating air, and does not show a heating arrangement to heat the walls of the chamber. Vokins also does not teach or suggest "said first nozzle and said second nozzle being configured and disposed to direct the air laden with cleaning medium droplets against said heated chamber walls to vaporize the cleaning medium droplets to form a mixture of air and vaporized cleaning medium." Vokins only shows flowing the air 4 and H₂O₂ into a tube 6, and does not discuss directing the flow into the walls of the tube 6.

It is respectfully submitted that Claim 21 distinguishes over both

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Clüsserath and Vokins, either taken individually or in any reasonable combination thereof, and is therefore allowable. New Claims 22-40 are also believed to distinguish over Clüsserath and Vokins based on their dependence from Claim 21 and the distinguishing features recited therein.

In view of the above, reconsideration and withdrawal of the present rejection is respectfully requested.

Objection to the Drawings:

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the claims. Specifically, the Examiner stated on page 3 of the Office Action that the heating apparatus of Claims 1 and 3 was not shown in the drawings.

In response, it is respectfully submitted that Figure 1B shows the following, as stated in the application specification on page 15, lines 25-27: "The device 20 has a body 3 that is heated by heaters 25 that are shown schematically only but serve to heat the body 3 sufficiently to vaporize the cleaning medium." It is respectfully submitted that the heating arrangement, as now claimed in new Claims

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21-40, is clearly shown in Figure 1B. This heating arrangement heats the entire body 3, which body comprises a chamber with chamber walls and a plurality of passages. Therefore, the heating arrangement or heaters 25 heats the chamber walls and the passages of the body 3, as recited in the new claims.

In view of the above, reconsideration and withdrawal of the present rejection is respectfully requested.

Recordation of the Substance of the Telephonic Interview:

In order to render this Amendment complete, the following is a recordation of the substance of the telephonic interview conducted with the Examiner on August 15, 2005:

- 1) No exhibits were shown, nor were any demonstrations conducted.
- 2) Primarily, independent Claim 1 was discussed.
- 3) Primarily, the prior art discussed was U.S. Patent 5,713,403 to Clüsserath et al. and U.S. Patent 5,178,841 to Vokins et al.
- 4) Applicant's representative essentially proposed to amend the independent claim in the manner set forth in this Amendment.

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5) Generally, Applicant's representative submitted, inter alia, that the prior art discussed did not teach nor suggest "a heating arrangement being configured and disposed to heat said chamber walls to a temperature sufficient to vaporize cleaning medium droplets deposited on said chamber walls."

6) Generally no other pertinent matters were discussed.

7) The general outcome of the interview was an indication from the Examiner that a limitation such as presented herein above would receive favorable consideration, though no official agreement was reached.

Art Made of Record:

The prior art made of record and not applied has been carefully reviewed, and it is submitted that it does not, either taken singly or in any reasonable combination with the other prior art of record, defeat the patentability of the present invention or render the present invention obvious. Further, Applicants are in agreement with the Examiner that the prior art made of record and not applied does not appear to be material to the patentability of the claims currently

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pending in this application.

Leave to Delay Treatment of Formal Objections Until Allowable

Subject Matter is Indicated:

In accordance with 37 C.F.R. §1.111, it is hereby respectfully requested that any objections or requirements not fully treated and set forth in the outstanding Office action that relate to form and are not necessary to further consideration of the now pending claims, be held in abeyance until allowable subject matter is indicated.

Summary and Conclusion:

It is submitted that Applicants have provided a new and unique BEVERAGE BOTTLING PLANT FOR FILLING BOTTLES WITH A LIQUID BEVERAGE FILLING MATERIAL, AND A CLEANING DEVICE FOR CLEANING BOTTLES IN A BEVERAGE BOTTLING PLANT. It is submitted that the claims are fully distinguishable from the prior art. Therefore, it is requested that a Notice of Allowance be issued at an early date.

If mailed, I, the person signing this certification below, hereby



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certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date indicated in the certification of mailing on the transmittal letter sent herewith, or if facsimile transmitted, I, the person signing this certification below, hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated in the certification of facsimile transmission on the transmittal letter which is being facsimile transmitted herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nils H. Ljungman".

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